

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Hannah Sampson	Team: Squad #8	CCRB Case #: 201805390	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) NA, 06/___/2018 10:00 PM	Location of Incident: [REDACTED]	Precinct: 62	18 Mo. SOL 12/1/2019	EO SOL 12/1/2019	
Date/Time CV Reported Thu, 07/05/2018 11:35 AM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Thu, 07/05/2018 11:35 AM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]

Witness(es)	Home Address
[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. POM Nicholas Occhipinti	14430	956987	062 PCT
2. SGT Emanuel Iskhakov	551	947779	062 PCT
3. LT Salman Asghar	00000	934426	062 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Anthony Villacis	19084	962860	062 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Nicholas Occhipinti	Abuse: Police Officer Nicholas Occhipinti threatened to damage § 87(2)(b) s property.	[REDACTED]
B.POM Nicholas Occhipinti	Abuse: Police Officer Nicholas Occhipinti threatened § 87(2)(b) with the use of force.	[REDACTED]
C.POM Nicholas Occhipinti	Off. Language: Police Officer Nicholas Occhipinti made remarks to § 87(2)(b) based upon the gender of § 87(2)(b)	[REDACTED]
D.POM Nicholas Occhipinti	Abuse: Police Officer Nicholas Occhipinti threatened to arrest § 87(2)(b)	[REDACTED]
E.SGT Emanuel Iskhakov	Abuse: Sergeant Emanuel Iskhakov threatened to arrest § 87(2)(b)	[REDACTED]
F.LT Salman Asghar	Abuse: Lieutenant Salman Asghar threatened to arrest § 87(2)(b)	[REDACTED]

### Case Summary

On July 5, 2018, § 87(2)(b) filed this complaint with the CCRB via telephone. On July 7, 2018, she filed this complaint with 311, generating Service Request # 1-1-1586023086. The 311 complaint was then forwarded to IAB, which generated original log # 18-26642. On July 10, 2018, § 87(2)(b) filed this complaint again with the CCRB, using the online web form.

On an unknown date in June of 2018, between 10:00 p.m. and 11:00 p.m., PO Nicholas Occhipinti and PO Anthony Villacis, both of the 62<sup>nd</sup> Precinct, arrived at § 87(2)(b)'s ice cream truck parked at § 87(2)(b) in Brooklyn. PO Occhipinti instructed § 87(2)(b)'s son, § 87(2)(b) to exit the ice cream truck but he refused. When § 87(2)(b) refused to exit the truck, PO Occhipinti allegedly threatened to break the truck's windows and allegedly threatened to drag or pull § 87(2)(b) from the truck (**Allegations A and B: Abuse of Authority, § 87(2)(g)**). PO Occhipinti also allegedly referred to § 87(2)(b) as a "pussy" (**Allegation C: Offensive Language, § 87(2)(g)**). PO Occhipinti, Sgt. Emanuel Iskhakov and Lt. Salman Asghar, also of the 62<sup>nd</sup> Precinct, allegedly threatened to arrest § 87(2)(b) (**Allegations D, E, and F: Abuse of Authority, § 87(2)(g)**). No summonses were issued and no arrests were made. There is no video footage of this incident.

### Findings and Recommendations

**Allegation A: Abuse of Authority – Police Officer Nicholas Occhipinti threatened to damage § 87(2)(b)'s property.**

**Allegation B: Abuse of Authority – Police Officer Nicholas Occhipinti threatened § 87(2)(b) with the use of force.**

**Allegation C: Offensive Language – Police Officer Nicholas Occhipinti made remarks to § 87(2)(b) based upon the gender of § 87(2)(b)**

**Allegation D: Abuse of Authority – Police Officer Nicholas Occhipinti threatened to arrest § 87(2)(b)**

**Allegation E: Abuse of Authority – Sergeant Emanuel Iskhakov threatened to arrest § 87(2)(b)**

**Allegation F: Abuse of Authority – Lieutenant Salman Asghar threatened to arrest § 87(2)(b)**

On July 16, 2018, § 87(2)(b) and § 87(2)(b) were interviewed at the CCRB [BRs 01 and 02, respectively]. Neither recalled the date of this incident, but said that it occurred sometime in June of 2018. Moreover, neither had any documentation or record that could assist in narrowing down the incident date and § 87(2)(b) was unable provide an incident date in her IAB complaint [BR 31] or her phone statement with the CCRB [BR 32]. Furthermore, she did not provide a clear incident date in her CCRB online complaint [BR 33] or in her 311 complaint [BR 34]. Although the 311 complaint lists the incident date as July 6, 2018, the IAB audio [BR 35, see 11:22] revealed that § 87(2)(b) filed the complaint with 311 on July 6, 2018, and that that date does not reflect the incident date.

§ 87(2)(b) stated that when the officers arrived, PO Occhipinti instructed him to exit the truck. § 87(2)(b) refused and said he wanted to wait until § 87(2)(b) arrived. PO Occhipinti then said that if he did not comply, he would break the truck's windows and drag him from the vehicle. § 87(2)(b) was scared of the officers so he called 911. When § 87(2)(b) arrived at the incident location, she heard PO Occhipinti threaten to pull § 87(2)(b) from the truck. Both § 87(2)(b) and § 87(2)(b) stated that PO Occhipinti referred to § 87(2)(b) as a "pussy" and that PO Occhipinti threatened to arrest § 87(2)(b).

§ 87(2)(b) Sgt. Iskhakov and an officer, identified by the investigation as Lt. Asghar, arrived on scene after PO Occhipinti and PO Villacis. § 87(2)(b) added that Sgt. Iskhakov also threatened to arrest her and stated that Lt. Asghar told his officers that if they wanted to arrest her, they could do so. Additional contact attempts were made to obtain copies of the permits and licenses issued for § 87(2)(b)'s ice cream truck [BRs 03, 04, and 05]. However, § 87(2)(b) did not contact the CCRB further.

§ 87(2)(b) identified the ice cream truck driver, § 87(2)(b) (last name unknown), as a witness to this encounter. Contact attempts were made to § 87(2)(b) but he did not cooperate with the investigation [BRs 06, 07, 08, 09, and 10].

PO Occhipinti and PO Villacis were both interviewed at the CCRB on September 25, 2018 [BRs 11 and 12, respectively]. Sgt. Iskhakov was interviewed at the CCRB on September 26, 2018 [BR 13], while Lt. Asghar was interviewed on November 7, 2018 [BR 14]. None of the officers recalled this incident. All were prompted with details of the encounter as provided by § 87(2)(b) and § 87(2)(b) and confirmed that the information did not refresh any recollection of this incident. PO Villacis, PO Occhipinti, and Lt. Asghar reviewed their memo books and stated that they did not have any entries noting any dealings with § 87(2)(b) in June of 2018. Sgt. Iskhakov stated that he had one memo book entry noting an interaction with § 87(2)(b) on June 29, 2018 [BR 15]. However, during § 87(2)(b)'s interview with the CCRB, she presented a photo of Sgt. Iskhakov's badge that she took on June 29, 2018, and stated that she took the photo during a separate, subsequent encounter. Therefore, the investigation determined that Sgt. Iskhakov's memo book entry did not correspond to this incident.

The SPIA for the incident location was requested for the month of June 2018 [BR 16]. All Events that corresponded to the approximate incident time were requested [BRs 17 through 26]. Based on the information provided by § 87(2)(b) and § 87(2)(b) none of the Events generated appeared to correspond to this incident.

§ 87(2)(g)

#### **Civilian and Officer CCRB Histories**

- This is the second CCRB complaint to which § 87(2)(b) has been a party [BR 27]. However, her first complaint did not involve any FADO allegations.
- This is the first CCRB complaint to which § 87(2)(b) has been a party [BR 28].
- PO Occhipinti has been a member of service for four years and has been a subject in two other CCRB complaints four allegations, none of which were substantiated. § 87(2)(g)
- Sgt. Iskhakov has been a member of service for 10 years and has been a subject in one prior CCRB complaint and one allegation, which was not substantiated. § 87(2)(g)

- Lt. Asghar has been a member of service for 14 years and has been a subject in four prior CCRB complaints and five allegations, none of which were substantiated. § 87(2)(g)

**Mediation, Civil and Criminal Histories**

- § 87(2)(b) declined to mediate this complaint.
- Absent a specific incident date, a Notice of Claim request was not submitted.
- According to the Office of Court Administration (OCA) neither § 87(2)(b) nor § 87(2)(b) have a history of criminal convictions in New York City [BRs 29 and 30, respectively].

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Squad No.:     \_\_\_8\_\_\_

Investigator:     \_\_\_\_\_

Signature	Print Title & Name	Date
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Squad Leader:    \_\_\_\_\_

Signature	Print Title & Name	Date
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Reviewer:         \_\_\_\_\_

Signature	Print Title & Name	Date
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